

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVIEW APPLICATION NO. 4 OF 2003
IN LETTERS PATENT APPEAL NO. 10 OF 2001

M/s Christine Hoden (I)
Pvt. Ltd., a Company
registered under Companies
Act, having its factory at
Fazeda Cortalim-Goa and
represented by its Power of
Attorney Shri Ashok A. Tandale,
r/o Vasco da Gama.

... Applicant.

Versus

1. State of Goa, through its
Chief Secretary, having
its office at Secretariat,
Panaji, Goa,
2. Commissioner of Labour,
Junta House, 1st Floor,
Panaji, Goa, and
3. President, Goa Trade and
Commercial Workers' Union,
having its office at Velho
Bldg., 3rd Floor, Panaji, Goa.

... Respondents.

Shri D. P. Bhise, advocate for the applicant.

Shri A.N.S. Nadkarni, Advocate General with Shri S.
Vahidulla, Addl. Govt. Advocate for the State.

Ms. Shanti Fonseca, advocate for respondent no.3.

CORAM : C. K. THAKKER, C.J. &
A. M. KHANWILKAR, J.

DATE : 24th November, 2003.

ORAL ORDER (Per Thakker, C.J.)

We see no reason to review the order passed by the
Division Bench of this Court on 31st July, 2001 in Letters
Patent Appeal No. 10 of 2001.

2. It is true that the applicant had gone to the Hon'ble Supreme Court and the Hon'ble Supreme Court, by an Order dated 14th January, 2002, granted liberty to it to file an application for review, on the ground that the settlement referred to in the Order of the High Court was not operative on the date notice under Section 9-A of the Industrial Disputes Act, 1947, (hereinafter referred to as "the Act"), was issued by the petitioner.

3. Looking to the entire record as well as the order passed by this Court however, it is very clear that what was done was only with the intention of the applicant to terminate the settlement and the notice was issued under Section 9-A of the Act.

4. In the light of the said fact, in our opinion, reliance placed by the learned Single Judge of this Court in Writ Petition No.403 of 2000 decided on 21st December, 2000 on the decision of the Supreme Court in Life Insurance Corporation of India vs. D. J. Bahadur & Ors., (1981) 1 S.C.C. 315, is well-founded and did not deserve interference. The Division Bench, therefore, has not committed any error of law or of jurisdiction in dismissing the Appeal.

5. The Civil Review Application, therefore, deserves to be dismissed and is, accordingly dismissed. Notice discharged. No order as to costs.

C. K. THAKKER, C.J.

A. M. KHANWILKAR, J.

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